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## FISCAL IMPACT REPORT

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| <b>SPONSOR</b> <u>Trujillo</u>                        | <b>LAST UPDATED</b> <u>03/06/2025</u>          | <b>ORIGINAL DATE</b> <u>02/21/2025</u> |
| <b>SHORT TITLE</b> <u>Raise Marriage License Fees</u> | <b>BILL NUMBER</b> <u>Senate Bill 290/aSFC</u> | <b>ANALYST</b> <u>Gygi</u>             |

### REVENUE\* (dollars in thousands)

| Type                  | FY25 | FY26    | FY27    | FY28    | FY29    | Recurring or Nonrecurring | Fund Affected                          |
|-----------------------|------|---------|---------|---------|---------|---------------------------|--|
| Marriage License Fees | 0    | \$162.5 | \$162.5 | \$162.5 | \$162.5 | Recurring                 | County Clerk Recording and Filing Fund |
| Marriage License Fees | 0    | \$32.5  | \$32.5  | \$32.5  | \$32.5  | Recurring                 | Children's Trust Fund                  |

Parentheses ( ) indicate revenue decreases.  
 \*Amounts reflect most recent analysis of this legislation.

Relates to an appropriation in the General Appropriation Act

### Sources of Information

LFC Files

#### Agency Analysis Received From

Department of Finance and Administration (DFA)  
 New Mexico Mortgage Finance Authority (MFA)  
 State Investment Council (SIC)

#### Agency Analysis was Solicited but Not Received From

New Mexico Counties (NMC)  
 State Treasurer's Office (STO)

## SUMMARY

### Synopsis of SFC Amendment to Senate Bill 290

The Senate Finance Committee amendment to Senate Bill 290 (SB290) increases the marriage license fee to \$55, with \$35 of each fee collected going to the county clerk recording and filing fund and \$20 to the children's trust fund.

### Synopsis of Original Senate Bill 290

Senate Bill 290 (SB290) would double the marriage license fee paid to a county clerk from \$25 to \$50, with the additional \$25 deposited into the county clerk recording and filing fund. Fifteen

dollars of each fee collected would go to the county general fund and \$20 dollars of each fee would be retained by the county clerk (currently \$10). Existing law requiring \$15 go to the children's trust fund remains. The bill requires county treasurers to remit these fees within 15 days of the last day of each month, ensuring timely transfer of funds to the appropriate accounts.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## FISCAL IMPLICATIONS

Previous LFC reports estimated around 6,500 marriages occur each year in New Mexico. Thus, the increase in SB290 as amended of \$30 for each license fee will result in an additional \$195 thousand in revenues annually. Of the total increase, \$162.5 thousand would be deposited into the county clerk recording and filing fund and \$32.5 thousand into the children's trust fund.

## SIGNIFICANT ISSUES

SB290 increases marriage license fees and changes how they are distributed, resulting in increased funds for counties. New Mexico's fees are comparatively low, with license fees ranging from \$10 to as much as \$115 in other states.<sup>1</sup> About half of the states set a statewide fee; in the others, cost varies by county, city, or municipality; residential status; and in some cases, completion of a pre-marital counseling or education course.

The increased fee may decrease the number of applications for marriage licenses. However, even with low fees, the marriage rate in New Mexico has decreased over the past decade. In 2022, New Mexico had the lowest marriage rate in the country at 4.2 per 1,000 people; Nevada, Utah, and Colorado were among the highest at 25.9, 9.9, and 7.5 per 1,000, respectively.<sup>2</sup> Reasons offered for the national decline in marriages include women gaining more equity in the workplace, an aging population, economic uncertainty, and the high rate of student debt among millennials.<sup>3</sup> A marriage license costs \$30 in Colorado; the fee varies by county in Nevada and Utah.

The SFC amendment to SB290 would increase the portion of the marriage license fee that goes to the children's trust fund (CTF). The CTF provides multi-year grants to community-based organizations for innovative programs and projects that prevent or treat child abuse and neglect.<sup>4</sup> Created by the Legislature in 1985, the CTF has experienced declining revenues from license plate and marriage fees. The board reports the CTF KID plate has significant competition from other specialty plates, and revenue from marriage license fees declined dramatically during the pandemic and has not rebounded. Acknowledging declining revenues, LFC has recommended transfers from the general fund to bolster the corpus: \$6 million to the CTF and \$4 million to the allied Next Gen fund.

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<sup>1</sup> According to a national weddings officiants web site: <https://www.usmarriagelaws.com/marriage-license/application/fees-cost/>

<sup>2</sup> [https://www.cdc.gov/nchs/pressroom/sosmap/marriage\\_by\\_state/marriage\\_rates.htm](https://www.cdc.gov/nchs/pressroom/sosmap/marriage_by_state/marriage_rates.htm)

<sup>3</sup> <https://blog.giggster.com/states-with-the-highest-marriage-rates-and-how-theyve-changed/>

<sup>4</sup> <https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%2010%20CTF%20Legislative%20Requests.pdf>

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB290 is similar to Senate Bill 294 introduced in 2021, which would have doubled current marriage license fees. It also relates to House Bill 242 introduced in 2024, which would have increased marriage license fees to \$40 with higher fees for special circumstances, together with other extensive changes to marriage and divorce law.

The House version of the General Appropriation Act includes a fund transfer of \$6 million to the Children’s Trust Fund and \$4 million to the Next Gen fund.

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